



- (3) The petition fee in the amount of \$130.00 set forth in 37 C.F.R. § 1.17(i);
- (4) A Consent of the Assignee under 37 C.F.R. § 1.48(c); and
- (5) A Certificate of Right of Assignee under 37 C.F.R. § 3.75(b).

The Applicants respectfully request favorable consideration of this petition.

If there are any additional charges, please charge Deposit Account No. 02-

2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 10/09/01

  
\_\_\_\_\_  
André L. Marais  
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Docket No.: ~~000000~~1002X

## Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Colleen A. BARTON, et al.

Serial No.: 09/657,759

Filing Date: September 8, 2000

## For: METHOD AND LOGIC FOR CAPTURING AND ANALYZING CONDUIT DATA

Box DAC

Assistant Commissioner of Patents  
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on October 1007 at 10:00 AM

Lindy, Venetia  
Name of Person Mailing Correspondence  
Lindy Venetia Signature      18-9-01 Date

## STATEMENT OF FACTS

Sir:

I, MARK ZOBACK, of Palo Alto, California, hereby state that:

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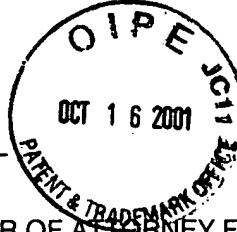
1. I contributed towards the conception of the invention entitled "Method and Logic for Capturing and Analyzing Conduit Data", which is the subject of the above referenced patent application.
2. I was omitted as a listed inventor from the above-referenced application at the time of filing as a result of a misunderstanding regarding the requirements for inventorship.
3. My omission as an inventor was an error that occurred without deceptive intention on my part.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the ability of the above referenced application, or any patent issue thereon.

Date: 10-3-01

M. Zoback  
Mark Zoback

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DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND LOGIC FOR CAPTURING AND ANALYZING CONDUIT DATA

the specification of which

is attached hereto.

X  
as

was filed on (MM/DD/YYYY) September 8, 2000

United States Application Number 09/657,759

or PCT International Application Number \_\_\_\_\_

and was amended on (MM/DD/YYYY) \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>
<u>Number</u>	<u>Country</u>	<u>(Foreign Filing Date - MM/DD/YYYY)</u>	<u>Yes</u> <u>No</u>
<u>Number</u>	<u>Country</u>	<u>(Foreign Filing Date - MM/DD/YYYY)</u>	<u>Yes</u> <u>No</u>
<u>Number</u>	<u>Country</u>	<u>(Foreign Filing Date - MM/DD/YYYY)</u>	<u>Yes</u> <u>No</u>

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

Application Number      (Filing Date – MM/DD/YYYY)

Application Number      (Filing Date – MM/DD/YYYY)

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*OCT 19 2001*  
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/340,216 6/25/99 Pending  
Application Number (Filing Date - MM/DD/YYYY) Status -- patented,  
pending, abandoned

Application Number (Filing Date – MM/DD/YYYY) Status -- patented, pending, abandoned

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to André L. Marais, BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct telephone calls to André L. Marais, (408) 720-8300.  
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full Name of Sole/First Inventor** Colleen A. BARTON

Inventor's Signature  Date 10/3/01

Residence Portola Valley, California (City, State) Citizenship USA (Country)

Post Office Address 351 Grove Drive  
Portola Valley, CA 94028

Full Name of Second/Joint Inventor Daniel MOOS

Inventor's Signature Kurt Date 10/2/01

Residence Palo Alto, California (City, State) Citizenship USA (Country)

Post Office Address 925 Clara Drive  
Palo Alto, CA 94303

Full Name of Third/Joint Inventor Mark ZOBACK

Inventor's Signature M. Z. Date 10-3-01

Residence Palo Alto, California Citizenship USA  
(City, State) (Country)

Post Office Address 716 Garland Drive  
Palo Alto, CA 94306

Full Name of Fourth/Joint Inventor \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State) (Country)

Post Office Address \_\_\_\_\_  
\_\_\_\_\_

Full Name of Fifth/Joint Inventor \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State) (Country)

Post Office Address \_\_\_\_\_  
\_\_\_\_\_

Full Name of Sixth/Joint Inventor \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State) (Country)

Post Office Address \_\_\_\_\_  
\_\_\_\_\_

Full Name of Seventh/Joint Inventor \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State) (Country)

Post Office Address \_\_\_\_\_  
\_\_\_\_\_

APPENDIX A

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Peggy S. Avalos, Reg. No. 42,274; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Lisa N. Benado, Reg. No. 39,995; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Jae-Hee Choi, Reg. No. 45,288; Thomas M. Coester, Reg. No. 39,637; Robert P. Cogan, Reg. No. 25,049; Donna Jo Coningsby, Reg. No. 41,684; Florin Corie, Reg. No. 46,244; Mimi Diemmy Dao, Reg. No. 45,628; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Klerk, Reg. No. 46,503; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Justin M. Dillon, Reg. No. 42,486; Sanjeet Dutta, Reg. No. 46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Mark J. Fink, Reg. No. 45,270; George Fountain, Reg. No. 37,374; Andre Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Alan Heimlich, Reg. No. P48,808; James A. Henry, Reg. No. 41,064; Libby H. Ho, Reg. No. 46,774; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Sang Hui Kim, Reg. No. 40,450; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steve Laut, Reg. No. 47,736; George Brian Leavell, Reg. No. 45,436; Samual S. Lee, Reg. No. 42791; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Julio Loza, Reg. No. 47,758; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Richard A. Nakashima, Reg. No. 42,023; Stephen Neal Reg. No. 47,815; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Kenneth B. Paley, Reg. No. 38,989; Gregg A. Peacock, Reg. No. 45,001; Marina Portnova, Reg. No. 45,750; Michael A. Proksch, Reg. No. 43,021; Randol W. Read, Reg. No. 43,876; William F. Ryann, Reg. No. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey S. Schubert, Reg. No. 43,098; George Simion, Reg. No. P47,089; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Ronald S. Tamura, Reg. No. 43,179; Edwin H. Taylor, Reg. No. 25,129; Lance A. Termes, Reg. No. 43,184; John F. Travis, Reg. No. 43,203; Kerry P. Tweet, Reg. No. 45,959; Mark C. Van Ness, Reg. No. 39,865; Tom Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Archana B. Vittal, Reg. No. 45,182; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; Charles P. Landrum, Reg. No. 46,855; Suk S. Lee, Reg. No. 47,745; and Raul Martinez, Reg. No. 46,904; Brent E. Vecchia, Reg. No. P48,011; Lehua Wang, Reg. No. P48,023; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and James R. Thein, Reg. No. 31,710, my patent attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

## APPENDIX B

### Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



Docket No.: 003700.P002X

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Colleen A. BARTON, et al. ) Examiner: Not yet assigned  
Serial No.: 09/657,759 ) Art Unit Group: 2131  
Filing Date: September 8, 2000 )  
For: METHOD AND LOGIC FOR )  
CAPTURING AND ANALYZING )  
CONDUIT DATA )

Box DAC

Assistant Commissioner of Patents  
Washington, D.C. 20231

**CONSENT OF ASSIGNEE Under 35 C.F.R. § 1.48(a)**

Sir:

Geomechanics International, a corporation of California, having its principal address at 250 Cambridge Ave., Suite 103, Palo Alto, CA 94306, assignee of the entire right, title and interest in and to U.S. patent application serial no. 09/657,759, filed September 8, 2000 for "Method and Logic for Capturing and Analyzing Conduit Data" whose assignee interest is supported by the enclosed Certificate of Right of Assignee under 37 C.F.R. § 3.73(b), and that the undersigned Colleen A. Barton, whose title is CEO, is a representative authorized to sign on behalf of Geomechanics International, hereby consents to the correction of inventorship of the present application that would add MARK ZOBACK as an inventor.

The correct joint inventors are accordingly Colleen A. Barton, Daniel Moos and Mark Zoback.

Date: 10/3/01



Colleen A. Barton  
CEO  
GEOMECHANICS INTERNATIONAL



Docket No.: 003700.P002X

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Colleen A. BARTON, et al. ) Examiner: Not yet assigned  
Serial No.: 09/657,759 ) Art Unit Group: 2131  
Filing Date: September 8, 2000 )  
For: METHOD AND LOGIC FOR )  
CAPTURING AND ANALYZING )  
CONDUIT DATA )

Box DAC

Assistant Commissioner of Patents  
Washington, D.C. 20231

**CERTIFICATE OF RIGHT OF ASSIGNEE Under 35 C.F.R. § 3.73(b)**

Sir:

I, COLLEEN A. BARTON, CEO of Geomechanics International, a corporation of California, having a principal place of business at 250 Cambridge Ave., Suite 103, Palo Alto, CA 94306, and having the necessary legal authority to legally bind Geomechanics International with respect to the subject of certification, hereby certify on behalf of Geomechanics International that Geomechanics International is the assignee of the entire right, title and interest in the above identified patent application by virtue of the attached assignments (executed September 5, 2000), and submitted September 8, 2000.

An attached Notice of Recordation of Assignment Document indicates that the attached assignments have been recorded under reel and frame numbers 011095 and 641 by the USPTO.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true;

and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the ability of the above referenced application, or any patent issue thereon.

Date: 10/3/01



Colleen A. Barton  
CEO  
GEOMECHANICS INTERNATIONAL